FROM : 'UNIVERSITY OF NEVADA BIOLOGY PHONE NO. : 775 784 1302 Aug. 13 2007 05:11PM P2

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PATENT
Attorney Docket No.: 18941H-002911US
Client Ref. No.: B98-006-2

Mail Stop Amendment Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

A CHEW L

Ву:____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GOODMAN et al.

Application No.: 10/826,812

Filed: April 16, 2004

For: ROBO: A NOVEL FAMILY OF POLYPEPTIDES AND NUCLEIC

ACIDS

Customer No.: 20350

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Confirmation No. 1573

Examiner:

Olga N. Chernyshev, Ph.D.

Technology Center/Art Unit: 1649

DECLARATION UNDER 37 C.F.R. §

1.131

We, Corey S. Goodman, Thomas Kidd, Kevin J. Mitchell, and Guy Tear were at the time of the invention employed by the Regents of the University of California, the assignee of the above-referenced patent application.

We are the co-inventors of the subject matter described and claimed therein.

We conceived of and reduced to practice the claimed invention in the United States prior to October 10, 1997. Attached Exhibit A provides evidence of the conception of the invention and its reduction to practice. The experiments described in Exhibit A were performed prior to October 10, 1997. This work was done by us, or under our supervision.

Exhibit A, with dates redacted therefrom, is a printout of laboratory records showing the amino acid sequence of human Robo-1. The raw sequence file data were saved to an optical disk. The pages in Exhibit A show a computer analysis of sequence data comparing

Aug. 13 2007 05:11PM P3

PATENT

Appl. No. 10/826,812 Thomas Kidd, Ph.D. Declaration under 37 C.F.R. § 1.131

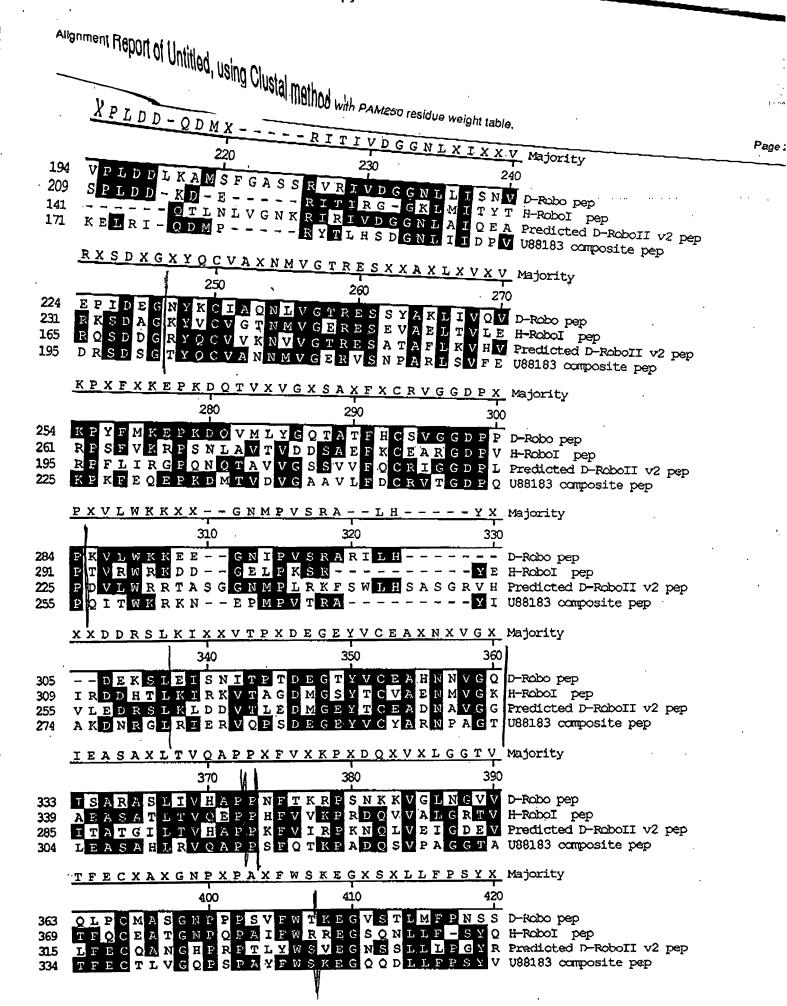
the human Robo-1 (H-Robo1 pep) sequence to those of other Robo proteins. The amino acid sequence was determined based on nucleic acid sequence. H-Robo1 pep includes the extracellular domain (five immunoglobulin domains and three fibronectin domains). Amino acids 68-167 of H-Robo1 pep are the first immunoglobulin domain and correspond to amino acids 68-167 of SEQ ID NO:8 in the application.

In view of the foregoing, we respectfully submit that the evidence provided in Exhibit A unequivocally establishes that the basic inventive concept of the claimed invention was conceived of and reduced to practice prior to October 10, 1997.

We further declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated:	Corey S. Goodman
Dated: 8 13/07	Jon Kida Thomas Kidd
Dated:	Kevin J. Mitchell
Dated:	Guy Tear

	Iignment Report of Untitled, using Clustal meth	SXTXNH		P
1			I P Majority	
1	M H P M H P E N H A I A R S T M K W K H V P F L V M T S I I	STINN	30	
1 1	<u>G</u>	ILSPNHLF _{LA}	- Q L I P H-Robot pen	
•	MIYIGFYHT	THTHTHTYIN	F D K I P U88183 composite pep	D e ro
	<u> </u>			
	40	- N - L	Majority	
2	SRSRSSRMWLTPAWTT	50	<u></u>	
0	SRSRSS RMWLLPAWLL DPEDVERGNDHGTPIP	T S D N D D N S Y	P D-Robo pep	
1	NASNL		Predicted D-Roboli v2 po	
			U88183 composite pep	eb
	RXXPRIIEHPX	DLVVSKGEPA	T L N C Majority	
	-70	80	å	
	AVRGQYQSPRITEHPT RLROEDFPPRTWEHPS	DLVVKKNEPA	T L N C D-Robo nen	
			m + 1	
			TENC H-Robol pep TFNC Predicted D-Roboll v2 pe TLNC U88183 composite pep	p
	KAEGXPTPTIEWFKDGE		X S H R Majority	
	100	110		
	KVEGKPEPTIEWFKDGE KAEGRPTPTIEWYKGGE		P S H P II Dobot man	
		R F. T. KING IN T	C S H B Dradi at ad D Tak . TT - D	5
	GAK-PSTAKITWYKDG	OPVITNKE QV	NSHR U88183 composite pep	•
	IXLPXGSLFFLKVXHGK	C KESDAGX	Y W C V Majority	
	130	140	150	•
5	VQFKDGALFFYRTMQGF	KEQDGGE	Y W C V D-Robo pep	
)	MLLPSGSLFFLRIVHGF IMLPAGGLFFLKVIHSR	KSR-PDEGV	Y V C V H-Robol pep	
	IVLDTGSLFLLKVNSGK	NGKDSDAGA	Y Y C V U88183 composite pep)
	1			
	A K N E X G E A V S R N A S L Q V	1 ,	"	
	160	170	180	
!)	AKNRV G Q AVSR HASLQI ARNYL G E AVSH NAŠLEV	AVLRDDFRV	PKDD-Robo pep NPSD 8-Robot pep	
	AKNEFGVARSRNATLQV	AVLRDEFRL	BPAN Predicted D-RoboII v2 per	•
•	ASNEHGEVKSNEGSLKL	AMLREDERV	RPRT U88183 composite pep	
	VRVAXGEXAVLECGPPR	GXPEPTISW	RKDG Majority	
	190	200	210	
,	ERVAKGETALLECGPPK	GIPEPTLIW	IKDG D-Robo pep	
)	VMVAVGEPAVMECQPPR		KKDG H-Robol pep RKNG Predicted D-Roboll v2 pep	



713 689

Alignment Report of Untitled, using Clustal method with PAM250 residue weight table. ----YXXVTXVXXPAXSSXVVX Majority Page 5 850 860 712 870 ---SAQYHSITVMDASAESF-VVG D-Robo pep 723 WIVFEVRTPAKNSVVIP H-Robol pep SGGGAPTPLNTKYRMLTILNGGGASSCTIT Predicted D-Roboll v2 pep 719 726 ---- QYV-NVTSPSTENYVVS U88183 composite pep NLXKYTNYEFFXXPF - - - FXSIEGAPSNSK Majority 890 HIKKYTKYEFFLTPF---FETIEG QPSNSK D-Robo pep DIRKGVNYEIKARPF---FNEFQGADSEIK H-RoboI pep GLVQY:TLYEFFIVPF---YKSVEGKPSNSK Predicted D-RoboII v2 pep 740 749 NIMPFTNYEFFVIPYHSGVHSIHGAPSNS 1 U88183 composite pep XALTLEDVPSAPPXGVXIXMLN--XTAXXV Majority 920 TALTYEDVPSAPPDNIQIGMYN--QTAGWVD-Robo pep FAKTLEEAPSAPPQGVTVSKNDGNGTAILVH-Robol pep 759 767 IARTLEDVPSEAPYGMEALLLN--SSAVFL Predicted D-Roboll v2 pep DVLTAEAPPSLPPEDVRIRMINL -- TTLRI U88183 composite pep SWKAPPXDXXNGXLXGYKVXVXGXXTXXN- Majority 940 960 RWTPPPSQHHNGNLYGYKIEVSAGNTM--- D-Robo pep SWQPPPEDTQNGMVQEYKVWCLGNETRYH- H-RoboI pep KWKAPELKDRHGVLLNYHVIVRGIDTAHNF Predicted D-RoboII v2 pep 787 SWKAPKADGINGILKGFQIVIVGQAPNNN - U88183 composite pep 800 - L X N X T X D A X T X S V V L X N L V T G X X Y S V R Majority 970 980 - KVLANMTLNATTTSVLLNNLTTGAVYSVR D-Robo pep
- - - INKTVDGSTFSVVIPFLVPGIRYSVE H-RoboT pep
SRILTNVTIDAASPTLVLANLTEGVMYTVG Predicted D-RoboTI v2 pep
- - - RNITTNERAASVTLFHLVTGMTYKIR U88183 composite pep 814 826 834 829 VAAXTNAGVGVYSXPXXLXLDP-T----PX Majority 1000 1010 1020 LNSFTKAGDGPYSKPISLFMDP-THHVHPPD-Robo pep VAASTGAGSGVKSEPQFIQLD----A H-RoboI pep 843 VAAGNNAGVGPYCVPATLREDPITKRLDP-Predicted D-Roboll v2 pep 1030 1040 1050 RAHESGTHDGRHEGODITYHNNGNIPPGDTD-Robo pep HGNDVSPEDOVSTAOQISDVVKQPAFIAGIH-Robol pep 872 874 ---- Predicted D-Roboll v2 pep 893 HGTSEVIMNODTLEKHIAAQQENESFLYGL U88183 composite pep

PXPYX	TAMESU residue weight	table.
P X P Y X L D A	XXXXPVPPXPP	X X X Majorday
1069 H S D 10	1280	1290
1069 H S P Y S D A 1111 P V Q Y N I V E Q N K L N K D Y 1075 P A P Y D -	- FAGQVPAVPV	I V C D D
1111 PVOYNIVEONKINKDY 1075 PAPYA TS	RANDTVPPTIP	N Q H-Robot non
1075 PAPYATS 1054LNDKMIRAPA	MPTNPVPDF	Q P Predicted D-Roboll v2 pen
1054 LNDKMIRAPA		- A U88183 composite pep
TABAK -		——— Majority
1089 NIVITO	1310	1320
1089 NYLQYPVEP 1141 SYDQNTGGSYNSSDRG		
1096 R V O O P P V P C V C	a o r oma o S C H K K G	AR H-Robot non
1076 RYADHTAGRRSRSSRA	DGRGTL	- Predicted D-Roboll v2 pep
GGXNWXXXLP	PPPXHPPPXST	X X Majority
1330	1340	1350
1098INWSEFLP	D D D D D D D D D D D D D D D D D D D	Y G D-Robo pep
1171 TPKVPKQGGMNWADLLP 1110		
1099 N G G L H		U88183 composite pep
		· · · · · · · · · · · · · · · · · · ·
<u></u>		- Majority
1360	•	1380
1119YAQGSP		- D-Robo pep
1201 EYNISVDESYDQEMPCP 1131QHQALQ	V P P A R M Y L Q Q D E	L H-RoboI pep - Predicted D-RoboTI v2 non
1104		- U88183 composite pep
EXXRXSXSXXRSXX 1390	•	•
1	ı	1410
1125ESSRKSAGSGI 1231 EEEEDERGPTPPVRGAA	SHNQSILNASI SSPAAVSYSHOS	D-Rabo pep T H-Robot nen
1137 Q H Q Q L P P S N I Y Q Q M	STTSEIYPTNT-	G Predicted D-RoboII v2 pep
1104HRTSGSQ-RSDS	PPHTDVSYVQL	S U88183 composite pep
SSXTGSSXEX PQYX -	- C P X E T G X X X H X	P Majority
1420		1440
1152 SSGGFSAWGVSPOYAV		<u>_1_</u> `
1261 ATLTPSPQEELQPMLQ-	DCFEETGHMQHQ	P H-RoboI pep
1163 P S R S V Y S E Q Y Y -	- YPKDKQRHIHI	T Predicted D-RoboII v2 pep
1128 SDGTGSSKER	TGERRTP	12 U88183 composite pep
X X X L P P P P P	PPXXHXYXXAP-	_ Majority
1450		1470
1182 AVAG	- GTQNRYQITP-	- D-Robo pep
1290 DRRRQPVSPPPPPRPIS	PPHTYGYISGPL	V H-RoboI pep
1186 ENKL 1146 NKTLMDFIPPPSNP-P	- SNCHTYEAAP- PPGGHVYDTA	- Fredicted D-Roboll v2 pep - U88183 composite pep
		tta-aa aautaanna bah

	V C		- WO.B. (122)	'·
	VG D :	SXQXQLQLX	XXGXSXEAXGXXX	
		1690	1700	X Majority
130	7 = = = = = = = = = = = = = = = = = = =		1700	.710
153	OKGREVID	HKROLOLE	E H G S S A K O R G G H H	R D=Poho no=
130	5 ^ -			D H-Pohot no-
121	7 KGKRDDD	OBSSTAND	PLVPQHPAEGHLQ	S Predicted Depondent
		and voste with the	PLVPOHPAEGHLQ DDGGSSEADGENS	E U88183 composite pen
	GRXXXXXX	XXXD-pyvi		to the part of the
		TOO E A A I	EXXLXEXXXLXY-	Majority
1331	RRAPVVQP	CMESEN		1
1550	GKGRGNKA	AKRDLPPAR	NMIAEYEQRQY	- D-Robo pep
1329	WINDSTRS	SRKNGO	CI-KEPSETTV_	R H-RoboI pep Predicted D-RoboII v2 pep
1247	5	DVPRGG	CI-KEPSELIY VR	- MRS103
•		PRDXXSSSR	XXXXCSGSXGXXI	, Majority
		1750	1760 17	
1357		TSDCCNCOR		
1590	PTFPTSNN	PROPESSE	EGDTCSCSEGSCI MSSRGSGSRQREC	D-Robo pep
1354		APGSVASED	M S S K G S G S R Q R E Q	H-RoboI pep Predicted D-RoboII v2 pep
1256	KAV	PRMGTSAST	LAHSCYGTNGTAQ	Predicted D-RoboII v2 pep
			DANS GINGTAQ	naaraa composite beb
	<u>XX</u>		ESGEXNNXQXTXX	Madority
	-	1780	•	
		1	1790 180	
1379	Y A		EAGEPAPROMTAK ERGEDNNEELEET	D-Robo pep
1620	ANVGRRNI.	A E M Q V L G G Y	ERGEDNNEELEET	H-RoboI pep
1281	R	F	RSIPRNNGIVTQE	U88183 composite pep
	NT			Majority
				J ====4
				·
1394				D-Robo pep
1650				H-RoboI pep
1380				Predicted D-RoboII v2 pep
1296				U88183 composite pep

Decoration 'Decoration #1': Shade (with solid black) residues that match the Consensus exactly.